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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,773	04/20/2005	Andrew Gray	66343-005-7	5247
25769 7590 11/26/2008 DYKEMA GOSSETT PLLC FRANKLIN SQUARE, THIRD FLOOR WEST 1300 I STREET, NW WASHINGTON, DC 20005				
EXAMINER KING, BRADLEY T				
ART UNIT		PAPER NUMBER		
3657				
MAIL DATE		DELIVERY MODE		
11/26/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/529,773

Applicant(s)

GRAY, ANDREW

Examiner

Bradley T. King

Art Unit

3657

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 7-9, 11, 13-15 and 17-38 is/are pending in the application.
- 4a) Of the above claim(s) 36-38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 7-9, 11, 13-15 and 17-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/808)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 7-9, 11, 13-14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 1 has been amended to require the braking member to contact at least on of the first and second wheel members. The original disclosure fails to support this limitation. Instead, it appears that the brake member contacts the slot or the body. The limitation therefore constitutes new matter.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 7-9, 11, 13-15, 17-18, 21-29, and 31-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Harris et al (US# 5432412).

Harris et al disclose all the limitations of the instant claims including; a first wheel member 34, a second wheel member (hub) and a main body (spokes of the wheel) therebetween, said main body defining a slot or groove (40 and 42) around a portion of a periphery thereof, a braking member (72 and/or 90-92) which is moveable along said slot between a first position out of contact with said first and second wheel members and a second position in contact with at least one of the first and second wheel members, blocking means 74 for preventing the braking member from moving from said first position and trigger means 74 for activating the braking member to move to said second position, and an EMR sensor 134 for activating the trigger means, the blocking means being arranged to reset the braking member to the first position without manual interference. See figures 4-5 and 7a.

Regarding claim 7, see wheel 34 and wheel body (portion having 40 and 42).

Regarding claim 8, see fig 2.

Regarding claim 9, see brake foot 72, as broadly recited.

Regarding claims 15-18, see toothed portion formed by the portions of the hub between 40 and 42, which forms two teeth as broadly recited.

Regarding claims 21-24, see springs 96 and 98 adjacent the axle.

Regarding claims 31-32, see battery 146.

Regarding claim 33, see figure 6.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 19-20, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris et al (US# 5432412).

Regarding claims 19-20, Harris et al disclose all the limitations of the instant claims with exception to the explicit disclosure of a radially operating latch, instead showing an axial arrangement. The examiner takes official notice that radially and axially operating latches are well known in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a radially oriented latch system, as known in the art, for the device of Harris et al as an obvious and alternate construction yielding predictable results.

Regarding claim 30, Harris et al discloses all the limitations of the instant claim with exception to a bellows linked to the motor. The examiner takes official notice that bellows are well known in the art to prevent debris from enter moving connections. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Harris et al with a bellows, as known in the art, to prevent debris from contaminating the driving connections, thereby minimizing wear on the device.

Claims 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris et al (US# 5432412) in view of GB 2379804.

Harris et al disclose all the limitations of the instant claims with exception to the explicit disclosure of including a wheel generator. GB 2 379 804 discloses a similar device and further teaches wheel generating structures to supply power to onboard devices. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a wheel generator structure as taught by GB 2 379 804 in the device of Harris et al as an economical means of generating power for the devices.

Response to Arguments

Applicant's arguments filed 2/25/2008 have been fully considered but they are not persuasive.

Regarding Harris, please note the tread of the wheel can be considered the first wheel member, the hub (surrounding axle) can be considered the second wheel member, and the body in between has slots 40 and 42. It is maintained that the rejections are proper.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley T. King whose telephone number is (571) 272-7117. The examiner can normally be reached on 11:00-7:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi can be reached on (571) 272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bradley T King/
Primary Examiner, Art Unit 3657

BTK

Application Number**Application/Control No.**

10/529,773

**Applicant(s)/Patent under
Reexamination**

GRAY, ANDREW

Examiner

Bradley T. King

Art Unit

3657